

**Amendment**

Applicant: Joseph G. Marcinkiewicz  
Serial No.: 09/738,467  
Filing Date: December 15, 2000  
Docket: K315.106.101  
Title: BRUSHLESS MACHINE CONTROL

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**REMARKS**

Claims 1-24 are pending. By this Amendment, the Specification, Abstract and claim 1 are amended.

**Information Disclosure Statements**

Attention is directed to the Submission of Corrected Form PTO-1449 filed April 30, 2002. The corrected Form PTO-1449 filed on that date was intended to replace the Form PTO-1449 filed February 25, 2002, to correct a typographical informality. However, the March 24, 2003 Office Action forwarded a copy of the *corrected* Form PTO-1449 with all of the citations *lined-through* and a note stating "Duplicate copy of 1449". The latter-filed Form PTO-1449 was not a duplicate, however; it was a corrected version.

For the convenience of the Patent Office, attached is a second copy of the corrected Form PTO-1449. Applicant requests that the corrected Form PTO-1449 be initialed to confirm the Examiner's consideration of the cited references. Applicant also requests that the Form PTO-1449 filed February 25, 2002 be lined-through to prevent duplicate citations.

Attention also is directed to the three Information Disclosure Statements filed March 24, 2003, April 21, 2003, and herewith. Consideration and acknowledgement of the cited references are requested.

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**Priority and Objection**

The March 24, 2003 Office Action requested a new copy of a “letter of Request for Priority”. However, Applicant’s priority claim is fully contained in e.g. the Declaration filed with the application. As noted in MPEP § 201.14(b), a claim to priority need be in no special form, and may appear in the oath or declaration, for example. Accordingly, Applicant respectfully submits that no “letter of Request for Priority” is needed.

The March 24, 2003 Office Action also objected to claim 1 because of a spelling error, which is corrected by this Amendment.

**Claim Rejections**

The March 24, 2003 Office Action rejected claims 1-2 and 23-24 under 35 U.S.C § 102(b) over what the Office Action describes as “Applicant Admitted Prior Art” (AAPA), and claims 3-22 under 35 U.S.C. § 103(a) over AAPA in view of Lovett (U.S. Patent No. 6,225,767). Applicant respectfully traverses these rejections.

The Office Action refers to page 4, lines 8-11 as AAPA. However, those lines continue the thought of the immediately preceding paragraph, which begins “It has been recognized by the *inventor...*” (emphasis added). Moreover, page 4, lines 3-5 refer to “embodiments of the invention” using “control of flux”, which refers to the same concept as the “flux control” in the

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so-named AAPA section at page 4, line 9. The “flux control” of page 4, lines 3-5 and 9 is the inventor’s discovery.

To confirm the matter, this Amendment adds the phrase -- by the inventor -- at page 4, line 9. The subject matter referred to in the Office Action as AAPA at page 4, lines 8-11 is the inventor’s own work and is not intended to constitute an admission that Applicant’s own work is prior art. Instead it is intended to provide, in a larger context, background information as to how Applicant’s invention was developed. Applicant submits that the subject matter of page 4, lines 8-11 was not patented or described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year prior to the date of application for patent in the United States, and therefore is not prior art under 35 U.S.C. § 102(b), 35 U.S.C. § 103, or any other statutory provision.

Because Applicant is not admitting that Applicant’s own work described at page 4, lines 8-11 is prior art, and because that work is not prior art under any statute, Applicant submits that the rejection of claims 1-24 over AAPA, or AAPA in view of Lovett, should be withdrawn.

**Conclusion**

In view of the foregoing, Applicant submits that claims 1-24 define patentable subject matter and that this application is in condition for allowance. Favorable reconsideration and

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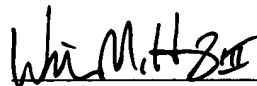
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prompt allowance are requested. No fees are believed due in connection with this paper, but the Commissioner is authorized to charge any fees that may be due to Deposit Account No. 500471.

The Examiner is invited to telephone the undersigned to advance prosecution.

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Respectfully submitted,



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*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 500471.*

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17<sup>th</sup> day of June, 2003.

By   
William M. Hienz III

Attachment: Copy of previously filed corrected Form PTO-1449

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**APPENDIX****IN THE ABSTRACT:**

A brushless electric machine [uses a] includes a rotor, a stator, and at least one phase winding arranged to establish flux in a magnetic circuit in the machine. A signal of the flux-causing voltage across the or each winding phase winding is used for control. Flux is more closely related to machine torque than current control, thus providing more accurate control.

**IN THE SPECIFICATION:**

In practice, it has been realized, current control is particularly sensitive to variations in the machine. In contrast it has been found by the inventor that flux control is substantially dependent only on the flux-causing voltage across the phase windings(s). Thus, it is found to be more tolerant of these variations in the machine. Many of the practical uncertainties arising from the manufacturing variations to which current control is prone are simply avoided.

**IN THE CLAIMS:**

1. (Amended) A brushless electrical machine [comprizing] comprising:
  - a rotor;
  - a stator;

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at least one phase winding arranged to establish flux in a magnetic circuit in the machine;

and

means for producing a signal indicative of flux-causing voltage across the at least one phase winding.